

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARIE MODERWELL,)	CASE NO. 1:19-CV-00613
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
CUYAHOGA COUNTY, <i>et al.</i> ,)	<u>STIPULATED DISMISSAL OF DEFENDANT</u>
)	<u>ERIC J. IVEY</u>
Defendants.)	
)	

Pursuant to Fed. Civ.R. 41(a)(1)(A)(ii), all parties, through their respective counsel, agree and stipulate as follows:

1. Cuyahoga County represents that Defendant Eric J. Ivey was acting within the course and scope of his employment regarding the specific allegations contained in Plaintiff's Amended Complaint – filed on September 24, 2019 – as to the following allegations or claims: (1) Mr. Ivey's alleged training or supervision of corrections staff involved in the incident concerning decedent Larry Johnson and (2) any alleged acts or omissions attributable to Eric J. Ivey concerning the provision of medical care to decedent Larry Johnson during his incarceration in the Cuyahoga County Corrections Center in June 2018.

2. Defendants do not waive any denial or affirmative defense raised in their Answers by agreeing to this stipulation. Cuyahoga County further reserves the right to challenge and dispute whether Defendant Eric J. Ivey was acting in the course and scope of his employment with Cuyahoga County as to any act or omission that is unknown and undiscovered at the time of filing this stipulation.

3. All claims asserted against Defendant Eric J. Ivey in this action are dismissed without prejudice. Each party shall bear his, her, its own costs.

Respectfully submitted,

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